

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE
Serial Number: 09/685,449
Filing Date: October 11, 2000
Title: SALES SYSTEM WITH BUYER PRICE SELECTION

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IN THE SPECIFICATION

Please amend the specification as follows:

Please amend the 4th paragraph at page 1 as follows:

The simplest of these alternate systems strive to reproduce an in-store shopping experience in which goods are offered for sale at a particular non-negotiable markdown price. This approach requires sellers to gauge the demand for their products so that they can determine a price that is high enough to allow them an acceptable return, but not so high that few or no buyers will purchase them. This process can be difficult and time consuming, and may be too much so to be warranted for relatively small lots of goods. And setting a particular price can also ~~allows~~ allow some individuals who place a high value on an item to buy it for less than that value.

Please amend the 3rd paragraph at page 8 as follows:

Referring to Fig. 1, a sales system 10 according to the invention includes a sales server 12 and a number of buyer terminals 14 that are all operatively connected to a primary network, such as the internet 16. The system can also include one or more alternate terminals 18 that are connected to an alternate network 20, such as a wireless network, a telephone network, or a paging network. The sales server 12 can access the alternate network via an alternate network interface 22, either directly or through the primary network.

Please amend the 4th paragraph at page 8 as follows:

The sales server 12 includes registration and marketing logic 12A that is operative to communicate with a user database 12E and with the buyer terminals 14 via the network 16. The sales server 12 also includes present and future sales logic 12B that is operative to communicate with the buyer terminals 14 via the network 16 and with supply-driven agent logic 12C. The present and future sales logic 12B is further operative to communicate information to demand derivation logic 12F. The demand derivation logic 12F is operative to provide an output to the

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user terminals via the network and/or to scheduling logic 12G, which is also operative to provide an output to the user terminals via the network 16. Reminder logic 12D is operative to communicate with the user terminals via the network 16 and to communicate with the alternate network interface 22, if the system employs one.

Please amend the 5th paragraph at page 8 as follows:

In the embodiment presented, the buyer terminals 14 are personal computers running browser software that allows their users to interact with the server 12 via hypertext transfer protocol (http) over the span of one or more network connections. But numerous other platform technologies could be used to implement part or all of the system, such as dedicated hardware devices or simpler programmable devices interconnected by wireless or analog networks. Connections between elements can be intermittent (e.g., e-mail connections) or indirect. The function and structure of the server elements can also be broken down in different ways than those shown in figures, with logic elements being combined, separated, or recast as appropriate. And while the system's user interface is based on software-based graphical user interface elements, it could also be implemented in other ways, such as using physically actuated controls or auditory prompts. In addition, while the system's user interface elements are presented as displayed in windows, one of ordinary skill in the art would recognize that they could also be displayed in other types of display regions, such as screens, cards, or pages.

Please amend the 2nd paragraph at page 9 as follows:

Referring to Figs. 1 and 2, an item pricing window 30 can include a bid area 32, a price schedule area 34, a variable-price agent area 36, and a utility area 38. The bid area 32 presents information about the overall offering, including a manufacturer's suggested retail price (MSRP), an opening price, a current price, an open date, a close date, and a listing number. In the present embodiment, the bid area 32 is presented as a boxed table in the item pricing window 30.

Please amend the 1st paragraph at page 10 as follows:

The variable-price agent area 36 includes a price entry area 52 and a future buy button 54. The price entry area 52 is a numerical entry area that receives a maximum price for the item

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from the user, and the future buy button 54 allows the user to submit this price to the system. The utility area 38 includes two help controls that lead the user to informational windows and a page e-mail control that allows the user to send a copy of the page to another individual by e-mail.

Please amend the 3rd paragraph at page 10 as follows:

In operation, when an offering opens, the sales server 12 populates the item pricing window 30 with a default sales schedule. The end date and time for the offering are determined from the type of items sold. This determination can be performed manually by an experienced sales system operator or be partially or fully automated based on a database of past sales experience. The timing and value of intermediate price points between the open and close date can be linear or follow another appropriate progression, and this progression can also be derived manually or automatically. The markdown values are derived directly from the price changes. At the beginning of an offering, the demand indicators and odds indicators can be left blank or left at some average, predicted, or nominal level. Note that the values shown for the various indicators in the figures are illustrative only and do not correspond to an actual sale of an item.

Please amend the 3rd paragraph at page 11 as follows:

Users can also choose the variable-price agent to make their purchase by actuating the future buy button 54 in the variable-price agent area 36 with a maximum price in the price entry area 52 to invoke the supply-driven agent logic 12C. The maximum price does not need to be set at one of the price points displayed. The variable price agent will then await low levels of supply for the item and award the item at the price reached at that time, consistent with the maximum provided by the user in the price entry area 52. Note that when there is insufficient supply to satisfy all variable price agent bids, the maximum prices in these bids will be used to resolve conflicts, in much the same way that absentee bids are resolved in a traditional English auction. And while each of the three types of bids described above can involve some sort of confirmation window, it is also possible to allow registered users to make firm commitments for present and future purchases by a sole click on a present or future buy button.

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Please amend the 1st paragraph at page 12 as follows:

The demand indicators within the price schedule area 34 can also take on different formats. Possible formats can include textual formats (e.g., high, average, low), pictorial formats (e.g., flames to indicate high demand, ice to indicate low demand), graphical formats (e.g., bars, charts, graphs), or numeric values (e.g., percentages, scores). These formats can be hard-wired, or one of a number of them can be selected by the user.

Please amend the 1st paragraph at page 16 as follows:

Referring to Fig. 8, the system 10 can allow for item browsing via a catalog window 130. This window includes a number of item images 132 associated with price boxes 134. Preferably, the outline of these boxes is shaped to imitate some readily recognizable sort of price tag or price label, to clearly convey their function to users. In one embodiment, the price tag is generally rectangular with two comers curved, and a hole to simulate a tag affixed to a garment with a string. Other visual features can also convey the impression of price tag or label, however, such as borders, shadowing or simulated perforations. Each price box can include the item's MSRP, its current price, and its current discount. Also included in each box are a present buy button 136 and a future buy button 138. Pressing the present buy button 136 has the same results as pressing the present buy button in the item pricing window 30.

Please amend the 2nd paragraph at page 16 as follows:

Referring also to Fig. 9, pressing a future buy button 138 for an item can bring the user to the item pricing window 30, or it can cause a smaller item pricing window 140 to be overlaid on top of the catalog window 130. In one embodiment, the overlaid window is also displayed in response to the user simply placing his or her mouse over the image of the item or one of the controls for the item. This ready availability of the pricing information can allow a user to quickly decide whether he or she should make a current or future offer on the item, but does not clutter the window with too much information, which could interfere with browsing. The catalog window 130 can also includes a number of navigation commands 126 in a navigation window 128, allowing the user to access other catalog pages.

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Please amend the 3rd paragraph at page 16 as follows:

Referring to Fig. 10, clicking on an image for an item can bring the user to a gallery window 150. This window shows a larger version of the image 152 and a larger price box 154. The larger price box 154 can include more pricing information than is shown in price boxes displayed in the catalog window 130, but less than is shown in the item pricing window. In one embodiment, the price box 154 includes the item's MSRP, its current price, its current discount, its closing price, and its closing date. Also included in the price box 154 are a present buy button 156 and a future buy button 158, as well as an accessorize button 160. ~~This~~ The accessorize button 160 leads the user to a catalog page that presents items that complement the displayed item. By linking this type of information, users are likely to see more items that they are likely to want to purchase. And knowing that particular accessories are available for an item may make a user more likely to buy that item.